

IN THE DRAWINGS

The Examiner objected to the drawings under 37 CFR 1.83(a). The Examiner states that the angular profile that forms an angle of less than 90° must be shown in the drawings or the feature cancelled from the claims.

37 CFR 1.83(a) states:

"The drawing in a nonprovisional application must show every feature of the invention specified in the claims." (Emphasis added).

As seen in Figure 2, legs 15 and 16 are clearly shown at an angle less than 90° relative to one another. Therefore, the drawings are proper under 37 CFR 1.83(a).

37 CFR 1.83(a) does not require an explicit labeling of all possible features in a drawing. The fact that the angle between legs 15 and 16 is unlabeled does not mean it is not shown under the interpretation of 37 CFR 1.83(a).

Applicant, accordingly, respectfully requests withdrawal of the rejections of the drawings under 37 CFR 1.83(a).

REMARKS

Applicant respectfully requests consideration of the subject application. This Response is submitted in response to the Office Action mailed January 23, 2007. Claims 1-3, 6, 7 and 9-26 are pending. Claims 1-3, 6, 7 and 9-26 are rejected. In this Amendment, claims 1, 3, 9-11, 13, and 26 have been amended. No new matter has been added.

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 1-26 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended the claims to overcome the rejections. However, claim 12 relies upon claim 11 which recites a barrier. Therefore, "the barrier" in claim 12 is deemed to be proper under 35 U.S.C. § 112, second paragraph.

Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 112.

35 U.S.C. §§ 102 and 103 Rejections

The Examiner has rejected claims 1-3, 6-7, 18, 22, 23-25 under 35 U.S.C. § 102(b) as being anticipated by Saunders, et al. (U.S. Patent No.: 5,007,196, hereinafter "Saunders") and claims 1-3, 6-7, 9, 11, 12, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by Shanahan, et al (U.S. Patent No.: 4,165,577, hereinafter "Shanahan").

The claims have been amended to overcome the rejections set forth by the Examiner. Specifically, neither Shanahan nor Saunders suggest a first leg having the protective element and the second leg located on a distal end of the first leg forming a F-shaped strip as shown in Figures 1 and 2 of the present application.

Moreover, neither Shanahan nor Saunders suggest an intermediate space being sealed between the second leg and a mounting surface when a lower edge of the second leg contacts the mounting surface as shown in Figures 1 and 2 of the present application.

The Examiner has rejected claims 9-10, 17, 19-21 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Saunders and claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Shanahan.

Claim 13 requires the angular profile between the first and second legs to be less than 90 degrees. The Examiner states:

"Other embodiments of Shanahan show the legs, where they meet at an angle of about 90 degrees and the legs extend in a more or less parallel relationship with each other. However, it would have been obvious to employ an angle of less than 90 degrees since routine experimentation would be used to determine the optimum angle since the function is the same and no stated problem is solved."

However, there specification of current application states on page 7
lines17-27:

"Both legs 15 and 16 form an angle less than 90° with one another and based on their one-piece manufacture from an elastic plastic, are elastically connected to one another. In this manner, it is possible that the leg 15, upon mounting of the leg 16 on the barrier device 02 is pressed with its lower edge against the side surface of the barrier device 02....By this feature a larger gap cannot be formed between the lower edge of the leg and the surface of the barrier device." (Emphasis added).

Clearly, the function of two angled legs is different from non-angled legs since a combination of their angle and elasticity solve the problem of a gap between the device and a mounting surface.

Therefore, providing angled legs is not an obvious design choice but rather functions to solve the problem of gaps between the device and the mounting surface.


Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and § 103.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Louis Tran at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,
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